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Attorneys for Defendant and  
Third-Party Plaintiff  
TNT SELF STORAGE MANAGEMENT, INC.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

MAHO WADA,	)	CIVIL NO. 14-00275 HB-BMK
MASAHROWADA,	)	
	)	
Plaintiffs,	)	DEFENDANT AND THIRD-PARTY
	)	PLAINTIFF TNT SELF STORAGE
vs.	)	MANAGEMENT, INC.'S
	)	THIRD-PARTY COMPLAINT
ALOHA KING, LLC (dba,	)	AGAINST ABSO AND
"ALOHA ISLAND SELF	)	STERLINGBACKCHECK; EXHIBIT
STORAGE"), a Mississippi Limited	)	"A"; SUMMONS ON A
Liability Corporation; ALOHA	)	THIRD-PARTY COMPLAINT;
ISLAND-KING, LLC, a California	)	CERTIFICATE OF SERVICE
Limited Liability Corporation;	)	
TOTAL STORAGE SOLUTIONS,	)	
a California Corporation; TNT SELF	)	
STORAGE MANAGEMENT, INC.,	)	
a California Corporation; DOE	)	
DEFENDANTS 1-20,	)	
	)	
Defendants.	)	
	)	

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TNT SELF STORAGE	)
MANAGEMENT, INC.	)
	)
Defendant and	)
Third-Party Plaintiff,	)
	)
vs.	)
	)
ABSO; STERLINGBACKCHECK,	)
	)
Third-Party Defendants.	)
<hr/>	)

**DEFENDANT AND THIRD-PARTY PLAINTIFF TNT SELF  
STORAGE MANAGEMENT, INC.’S THIRD PARTY  
COMPLAINT AGAINST ABSO AND STERLINGBACKCHECK**

COMES NOW Defendant and Third-Party Plaintiff TNT Self Storage Management, Inc. (hereinafter referred to as “TNT”), by and through its attorneys, Gallagher Kane Amai, and for its Third-Party Complaint against Abso (hereinafter referred to as “Third-Party Defendant Abso”) and SterlingBackcheck (hereinafter referred to as “Third-Party Defendant SterlingBackcheck”) alleges and avers as follows:

1. On June 17, 2014, Plaintiffs Maho Wada and Masahiro Wada filed their Complaint against Defendants Aloha King, LLC, Aloha Island-King, LLC, Total Storage Solutions and Defendant and Third-Party Plaintiff TNT Self Storage Management Inc. (“TNT”) alleging injury and damages from incidents in August and September of 2009 involving TNT employee Dale McShane. The Complaint

alleged that in August of 2009 Dale McShane kissed 15 year old Maho Wada while Maho Wada was in the Aloha Island Self Storage facility. Also, on or about September 11, 2009, while in the car with Maho Wada, Dale McShane kissed and touched the arms and inner thigh of Maho Wada. The allegations are more specifically stated in said Complaint attached hereto as Exhibit "A".

### **PARTIES**

2. TNT is a California corporation which engaged in business in the State of Hawaii.

3. Upon information and belief, Third-Party Defendant Abso was a California corporation. Abso contracted with TSS for employment and background screening services and provided such services for TNT's Hawaii employees.

4. Upon information and belief, Third-Party Defendant SterlingBackcheck is a New York corporation that acquired Abso in 2010 and by acquisition is successor to all rights, obligations and liabilities of Abso.

### **JURISDICTION AND VENUE**

5. Jurisdiction exists in this Court pursuant to the provisions of 28 U.S.C. § 1332 as this is a matter in controversy exceeding \$75,000.

6. Venue in this jurisdictional district is proper under 28 U.S.C. §1391, because all or a substantial part of the events giving rise to the claims at issue in the underlying action occurred within the District of Hawaii.

### **FACTUAL ALLEGATIONS**

7. In February of 2006, TNT Self Storage Management, Inc. (“TNT”) executed a contract with ALOHA KING LLC whereby TNT would manage Aloha Island Self Storage on King Street, Honolulu, Oahu. Ray Tuohy is the President and Owner of TNT. Mr. Tuohy is also the President and Owner of Total Storage Solutions (“TSS”). TSS handles the payroll and other functions for TNT.

8. In June of 2008, TSS entered into a contract with Third-Party Defendant Abso, a company that provided employment and background screening services.

9. In November of 2008, Dale McShane was hired by TNT. As part of Dale McShane’s employment, TSS requested a background report on Dale McShane from Abso. As requested by TSS, Third-Party Defendant Abso provided a background report of Dale McShane dated February 5, 2009. The report from Third-Party Defendant Abso stated that Dale McShane had a clear County Criminal record and National Sex Offender record. TNT and TSS relied upon this information and continued the employment of Dale McShane.

10. Plaintiff Masahiro Wada alleges he met Dale McShane in May of 2009 at Aloha Island Self Storage on King Street where Dale McShane was a manager. A few months later, in August of 2009, Plaintiff Maho Wada also met Dale McShane. On September 19, 2009, Plaintiffs Maho Wada and Mashairo Wada (“Plaintiffs”) filed a police report alleging improper conduct by Dale McShane.

11. Upon learning of these allegations and rumors of a prior sexual offense, Ray Tuohy requested that Third-Party Defendant Abso prepare another background report of Dale McShane. The second report from Third-Party Defendant Abso dated September 23, 2009 again stated that Dale McShane had a clear County Criminal Record and National Sex Offender record. However, this second report also stated that there was something to consider regarding the Department of Justice’s 50 State Sex Offender database, specifically that Dale McShane was a registered Sex Offender for Attempted Rape in the 3<sup>rd</sup> Degree. The information also stated that offense occurred in Hawaii and the adjudicated date of the offense was January 14, 1985.

12. Third-Party Defendant Abso failed to provide the prior criminal history of Dale McShane to TSS as was required in the contract between the parties.

13. Third-Party Defendant Abso has no explanation or excuse for not providing the prior criminal history of Dale McShane to TSS.

14. Had Third-Party Defendant Abso informed TSS of Dale McShane's prior criminal history, TNT would not have continued the employment of Dale McShane and therefore would have no liability to Plaintiffs.

15. As Third-Party Defendant SterlingBackcheck is the entity that acquired Third-Party Defendant Abso, by such acquisition Third-Party Defendant SterlingBackcheck is successor to all rights, obligations and liabilities of Third-Party Defendant Abso.

**COUNT I**  
**BREACH OF CONTRACT**

16. Third-Party Defendants failed to perform the duties for which it was contracted by TSS.

17. More specifically, Third-Party Defendants failed to provide an accurate background check of Dale McShane to TSS as was agreed to in the contract between TSS and Third-Party Defendants.

18. This breach of contract by Third-Party Defendants was the proximate and legal cause of the damages and injuries alleged in the Complaint.

**COUNT II**  
**NEGLIGENCE**

19. Third-Party Defendants owned a duty of care in its preparation of the background check report requested by TSS of Dale McShane.

20. Third-Party Defendants breached this duty of care and was negligent in its preparation of the background check report of Dale McShane as the background check report did not contain the information about Dale McShane's prior criminal convictions.

21. The negligent actions of Third-Party Defendants was the proximate and legal cause of the damages and injuries alleged in the Complaint.

WHEREFORE, TNT prays as follows:

A. If it is determined that TNT is entitled to judgment, that such judgment is entered against Third-Party Defendants and not against TNT.

B. If it is determined that Plaintiffs are entitled to judgment against TNT, that TNT have judgment over and against Third-Party Defendants for the full and entire amount of said judgment.

C. If it is determined that TNT and Third-Party Defendants are joint tortfeasors, the relative degree of fault of each is determined, and TNT have judgment against Third-Party Defendants for any excess which TNT may pay over and above its pro rata share of any judgment.

D. If it should be determined that TNT is responsible for damages to Plaintiffs, then it further be determined that TNT is entitled to contribution and/or indemnification and/or reimbursement from Third-Party Defendants.

E. That TNT be awarded reasonable attorney's fees and costs, and such further relief as the Court deems just and proper.

DATED: Honolulu, Hawaii, May 26, 2015.

/s/ J. Patrick Gallagher  
J. PATRICK GALLAGHER  
TRISH K. MORIKAWA

Attorneys for Defendant and  
Third-Party Plaintiff  
TNT SELF STORAGE  
MANAGEMENT, INC.



SHOWA LAW OFFICE, LLC  
ANDREW DAISUKE STEWART 7810-0  
735 Bishop Street  
Suite 318  
Honolulu, Hawaii 96813  
Tel. (808) 772-9297  
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Attorney for Plaintiffs  
MAHO WADA  
MASAHIRO WADA

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

MAHO WADA;  
MASAHIROWADA,

Plaintiffs,

vs.

ALOHA KING, LLC (dba,  
"ALOHA ISLAND SELF  
STORAGE"), a Mississippi  
Limited Liability Corporation;  
ALOHA ISLAND-KING, LLC, a  
California Limited Liability  
Corporation; TOTAL STORAGE  
SOLUTIONS, a California  
Corporation; TNT SELF  
STORAGE MANAGEMENT,  
INC., a California Corporation;  
DOE DEFENDANTS 1 -20.

Defendants.

Civil No. \_\_\_\_\_

COMPLAINT; SUMMONS; JURY  
DEMAND

**EXHIBIT "A"**

## **COMPLAINT**

Comes now Plaintiffs, MAHO WADA ("Maho") and MASAHIRO WADA ("Masahiro") (Maho and Masahiro are hereinafter collectively referred to as "Plaintiffs"), by and through their attorney, SHOWA LAW OFFICE, LLLC, and hereby files this Complaint, and alleges and avers the following causes of action against Defendants ALOHA/KING LLC ("AKL"), ALOHA ISLAND-KING LLC ("AIK"), TOTAL STORAGE SOLUTIONS ("TSS"), and TNT SELF-STORAGE MANAGEMENT, INC. ("TNT") (AKL, AIK, TSS, and TNT hereinafter collectively referred to as the "Defendants") and DOE DEFENDANTS 1 - 20.

## **THE PARTIES**

1. Maho is currently and was at all relevant times a citizen of Japan.
2. Masahiro is Maho's biological father and was at all relevant times a citizen of Japan.
3. AKL is a Mississippi limited liability corporation registered to do business in the State of Hawaii.
4. AIK is a California limited liability corporation and a member of AKL, which was engaged in business in the State of Hawaii.

5. TSS is a California corporation, which engaged in business in the State of Hawaii.

6. TNT is a California corporation, which engaged in business in the State of Hawaii.

7. Upon information and belief, Dale McShane ("McShane") was at all relevant times a resident of the State of Hawaii and was the manager at Aloha Island Self Storage, located at 1414 Kalakaua Avenue, Honolulu, Hawaii (hereinafter "the Storage Facility"), which was owned and operated by AKL and/or AIK, as well as, managed and/or staffed by TSS and TNT.

8. Upon information and belief, TSS is an employee leasing entity, which TNT contracted with, for handling personnel and staffing matters, while TNT is a storage management entity, which AKL and/or AIK contracted with, to manage the day to day operations of the Storage Facility, thereby creating an express or implied agency relationship between and among the Defendants.

9. DOE ENTITIES 1 - 20 (collectively referred to herein as "DOE DEFENDANTS") are sued herein under fictitious names for the reason that their true names and identities are presently unknown to Plaintiffs except that they are connected in some manner with Defendants or were the agents, principals,

partners, officers, directors, members, servants, employees, employers, representatives, co-venturers, associates, consultants, vendors, suppliers, manufacturers, subcontractors, contractors, sureties, insurers, owners, lessees, sublessees, lessors, guarantors, assignees, assignors, licensees or licensors of Defendants or were in some manner presently unknown to Plaintiffs, engaged in the activities alleged herein, or were in some manner responsible for the injuries and damages to Plaintiffs, or conducted some activity or activities in a negligent or wrongful manner which was a proximate cause of the injuries and damages to Plaintiffs, and Plaintiffs pray for leave to certify the true names, identities, capacities, activities, and responsibilities of DOE DEFENDANTS when the same are ascertained.

**JURISDICTIONAL STATEMENT**

10. This Honorable Court has jurisdiction over the subject matter of the within action pursuant to 28 U.S.C. Section 1332. The amount in controversy is in excess of \$75,000. Venue is appropriate in the District Court of the District of Hawaii pursuant to 28 U.S.C. Section 1391.

**FACTUAL ALLEGATIONS**

11. On or about August 8, 1984, McShane was arrested in the City and County of Honolulu for attempted rape in the third degree, a "Class C Felony", and burglary in the first degree, a "Class B Felony".

12. On or about January 14, 1985, McShane was convicted for attempted rape in the third degree, a "Class C Felony", and burglary in the first degree, a "Class B Felony".

13. In or about May 2009, Masahiro rented a storage unit at the Storage Facility, where McShane was working as the manager.

14. Between May and August, 2009, McShane befriended Masahiro and his teenage son, who frequented the Storage Facility. Masahiro and his son respected and trusted McShane by virtue of his position and authority as manager of the Storage Facility.

15. Masahiro and his teenage son regularly came to the Storage Facility and were familiar with most, if not all, of the employees at the Self Storage Facility, including McShane (The term "employee" in this Complaint refers to any person working

at the Storage Facility, whether directly or indirectly employed by any one or more of the Defendants.)

16. Upon information and belief, prior to August 2009, at least one of the employees at the Self Storage Facility became suspicious that McShane had developed an inappropriate sexual attraction to some of the children who frequented the Storage Facility and was targeting children in order to have a sexual encounter with them, including but not limited to, Maho.

17. During the last week of August, 2009, Maho, who was fifteen (15) years old at the time, was at the Storage Facility with her father and brother. Maho, who had just recently moved to Hawaii from Japan spoke almost no English and was unfamiliar with American customs and culture. While her father and brother were out of sight, McShane approached Maho and kissed her on the lips on the premises of the Storage Facility. Prior to this time, Maho had never been kissed by a male, who was not a family member.

18. On or about September 11, 2009, Maho was again at the Storage Facility with her father and brother. On this day, McShane drove Maho home to the Wada residence located at 1802 Lanakila Ave, Honolulu, Hawaii. While driving her home,

McShane pulled the vehicle to the side of the road and told her that he would not drive her home unless she kissed him. McShane subsequently kissed Maho on the lips and stuck his tongue in her mouth. After Maho had told him "no", McShane kissed her and stuck his tongue in her mouth a second time and proceeded to touch her arms and inner thigh. McShane subsequently drove Maho home.

19. Defendants knew or should have known that McShane was a convicted felon and a registered sex offender prior to the above-referenced incidents when McShane kissed and touched Maho.

20. Upon information and belief, during or about the same time that McShane had his sexual encounters with Maho, McShane molested another child whose parents were patrons of the Storage Facility.

21. Upon information and belief, AIK and AKL may have had common shareholders, owners, members, directors and/or officers, co-mingled funds, and may have otherwise failed to follow the formalities necessary for keeping two corporate entities as separate and distinct from one another. AKL may also have been under-capitalized.

**COUNT I**

**(NEGLIGENT HIRING)**

22. Plaintiffs repeat and reallege and by reference incorporate the allegations contained in the above paragraphs.

23. Defendants had a duty to conduct a background check on McShane, check and contact his references, verify the information on his employment application and/or take other measures to ensure McShane's suitability as an employee at the Storage Facility, as employees of a self-storage facility offer security services to safeguard the property and persons of its customers.

24. Defendants had a duty to ensure that the Storage Facility's employees would not cause harm to its customers, their family members, and/or their property, which included a duty to conduct a background check before hiring employees to ensure they were not felons or sex offenders, given that isolated and narrow spaces and confines within the Storage Facility, where employees could come into contact with its customers and their families.



25. Given the physical characteristics of the Storage Facility, it was foreseeable that its employees would have access to its customers and family members in a confined space.

26. Defendants' failure to adequately conduct a background check on McShane, contact his references, verify the information on his employment application, and take other measures to ensure his suitability as an employee, prior to hiring McShane, or having hired him despite having conducted a background check, constituted negligent hiring.

27. Defendants' negligent hiring caused injury and damage to Maho in amounts to be proven at trial.

## **COUNT II**

### **(NEGLECTFUL CONTROL)**

28. Plaintiffs repeat and reallege and by reference incorporate the allegations contained in the above paragraphs.

29. Defendants had a duty to instruct the Storage Facility's employees, including but not limited to McShane, not to be alone with its customers' children and/or engage in inappropriate behavior with its customers' children.

30. Defendants failed to instruct McShane not to be alone with its customers' children and/or engage in inappropriate behavior with its customers' children.

31. Defendants did not have a written policy in place prohibiting the Storage Facility's employees from being alone with its customers' children and/or engage in inappropriate behavior with its customers' children.

32. As many people, including children, come on to the premises of the Storage Facility on a regular basis, it was foreseeable that its employees would come into contact with children.

33. Given that at least one employee suspected McShane of having a sexual and/or otherwise inappropriate interest in children visiting the Storage Facility, prior to McShane having sexual contact with Maho, Defendants had a duty to take steps to prevent McShane from having access to children, including but not limited to, terminating him, placing him on leave, and/or reassigning him to a position where he would not have access to children.

34. Defendants' failure to instruct the Storage Facility's employees not to be alone with children or engage in

inappropriate acts with children, including but not limited to, its failure to have a written policy in place, constituted negligent control.

35. Defendants' failure to take steps to prevent McShane from having access to children, despite having information and/or knowledge that McShane had a sexual and/or otherwise inappropriate interest in children, visiting the Storage Facility, constituted negligent control.

36. Defendants' negligent control of McShane caused injury and damage to Maho in amounts to be proven at trial.

### **COUNT III**

#### **(NEGLIGENCE/NEGLIGENT PROMOTION)**

37. Plaintiffs repeat and reallege and by reference incorporate the allegations contained in the above paragraphs.

38. Defendants had a duty to conduct a background check on McShane prior to appointing/promoting him manager of the Storage Facility, given that the Storage Facility's employees are hired and paid for the purpose of securing and protecting its customers, family members, and their property.

39. Defendants had a duty to conduct a background check on McShane when he was appointed/promoted to manager

of the Storage Facility, as the position of manager gave McShane greater access to its customers and family members, placed him in a position of authority and respect, and provided him with greater control in managing/operating the Storage Facility.

40. Defendants' negligence caused injury and damage to Maho in amounts to be proven at trial.

#### **COUNT IV**

##### **(NEGLIGENT FAILURE TO WARN)**

41. Plaintiffs repeat and reallege and by reference incorporate the allegations contained in the above paragraphs.

42. Given Defendants' actual or constructive knowledge of McShane's status as a convicted felon and registered sex offender and/or Defendants' actual or constructive knowledge that McShane had a sexual and or otherwise inappropriate interest in children visiting the Storage Facility, Defendants had a duty to warn Masahiro and other parents not to let their children be alone with McShane.

43. The inaction of Defendants to warn Masahiro and other parents who were patrons of the Storage Facility constituted a negligent failure to warn.

44. Defendants' negligent failure to warn caused injury and damage to Maho in amounts to be proven at trial.

**COUNT V**

**(NEGLIGENT FAILURE TO INVESTIGATE)**

45. Plaintiffs repeat and reallege and by reference incorporate the allegations contained in the above paragraphs.

46. Given that at least one of the Storage Facility's employees had a reasonable suspicion that McShane had a sexual or otherwise inappropriate interest in children visiting the Storage Facility, Defendants had a duty to conduct a background check on McShane, which they failed to do.

47. The Defendants' inaction to conduct a background check on McShane, after one of their employees had a reasonable suspicion that McShane had a sexual or otherwise inappropriate interest in children visiting the Storage Facility, constituted a negligent failure to investigate.

48. Had Defendants timely investigated McShane's background, they would have discovered that McShane was a convicted felon and registered sex offender, which would have forced Defendants to take steps to terminate or otherwise remove McShane from the Storage Facility.

49. Defendants' negligent failure to investigate caused injury and damage to Maho in amounts to be proven at trial.

**COUNT VI**

**(RESPONDEAT SUPERIOR)**

50. Plaintiffs repeat and reallege and by reference incorporate the allegations contained in the above paragraphs.

51. At all relevant times herein, McShane was an employee of Defendants.

52. The unwelcome and unwanted sexual physical contact McShane had with Maho occurred in the course and scope of McShane's employment with Defendants.

53. McShane's actions toward Maho are imputed to Defendants under the theory of respondeat superior.

**COUNT VII**

**(NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS)**

54. Plaintiffs repeat and reallege and by reference incorporate the allegations contained in the above paragraphs.

55. As a result of Defendants' breach of duty to Maho relating to hiring, controlling, promoting and/or investigating McShane, as well as breaching their duty to warn Masahiro, Maho and Masahiro suffered extreme and severe emotional and mental distress.

56. Defendants' negligent infliction of emotional distress upon Plaintiffs caused them injury and damage in amounts to be proved at trial.

**COUNT VIII**

**(LOSS OF CONSORTIUM)**

57. Plaintiffs repeat and reallege and by reference incorporate the allegations contained in the above paragraphs.

58. As a result of Defendants' action/inaction, Masahiro has been deprived of the love, affection and support, including the loss of society, companionship, filial relationship, comfort and aid of his daughter, Maho.

59. This loss of consortium resulting from Defendants' actions/inactions caused injury and damage to Masahiro in amounts to be proven at trial.

**COUNT IX - ALTER EGO - PIERCING**

60. Plaintiffs repeat and reallege and by reference incorporate the allegations contained in the above paragraphs.

61. Upon information and belief, AIK and AKL may have had common shareholders, owners, members, directors and/or officers, co-mingled funds, and may have otherwise failed to follow the formalities necessary for keeping two corporate entities as separate and distinct from one another. AKL may also have been under-capitalized.

62. AIK has used the corporate fiction of AKL to perpetuate a fraud and/or defeat Plaintiffs' rightful claim of and/or engaged in other improper conduct such that recognition of such fiction would bring about injustice and inequity, or vice a versa.



63. As a direct and proximate result of AIK and AKL's improper conduct, Plaintiffs are entitled to monetary judgment in their favor against AIK and AKL.

**COUNT X**

**(PUNITIVE DAMAGES)**

64. Plaintiffs repeat and reallege and by reference incorporate the allegations contained in the above paragraphs.

65. Defendants have acted willfully, wantonly, and/or with gross negligence, that Plaintiffs are entitled to punitive or exemplary damages from Defendants in amounts to be shown at trial.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs herein demand judgment in its favor and against Defendants, jointly and severally as follows:

A. A judgment be entered in favor of Plaintiffs and against Defendants, jointly and severally, for damages on all applicable claims according to proof to be adduced at trial.

B. An award of punitive damages in favor of Plaintiffs and against Defendants in an amount commensurate with the egregious nature of the acts and/or omissions by Defendants.

C. An award to Plaintiffs of attorney's fees, costs, and expenses on all applicable claims.

D. Such other and further relief as the Court deems proper, including but not limited to pre-judgment and post judgment interest.

DATED: Honolulu, Hawaii, June 16, 2014.

/s/ Andrew Daisuke Stewart

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ANDREW DAISUKE STEWART  
SHOWA LAW OFFICE, LLC

Attorney for Plaintiffs  
MAHO WADA  
MASAHIRO WADA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

MAHO WADA;	)	Civil No. _____
MASAHROWADA,	)	
	)	
Plaintiffs,	)	JURY DEMAND
	)	
vs.	)	
	)	
ALOHA KING, LLC (dba,	)	
"ALOHA ISLAND SELF	)	
STORAGE"), a Mississippi	)	
Limited Liability Corporation;	)	
ALOHA ISLAND-KING, LLC, a	)	
California Limited Liability	)	
Corporation; TOTAL STORAGE	)	
SOLUTIONS, a California	)	
Corporation; TNT SELF	)	
STORAGE MANAGEMENT,	)	
INC., a California Corporation;	)	
DOE DEFENDANTS 1 -20.	)	
	)	
Defendants.	)	

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**JURY DEMAND**

Comes now Plaintiffs, MAHO WADA ("Maho") and MASAHIRO WADA ("Masahiro") (Maho and Masahiro are hereinafter collectively referred to as "Plaintiffs"), by and through their attorney, SHOWA LAW OFFICE, LLLC, and hereby files this jury demand, requesting that all claims contained in Plaintiff's Complaint be adjudicated by a trial by jury.

DATED: Honolulu, Hawaii, June 16, 2014.

/s/ Andrew Daisuke Stewart

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ANDREW DAISUKE STEWART  
SHOWA LAW OFFICE, LLC

Attorney for Plaintiffs  
MAHO WADA  
MASAHIRO WADA

HID 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the  
District of Hawaii

MAHO WADA; MASAHIRO WADA

*Plaintiff*

v.

ALOHA KING, LLC (DBA, "ALOHA ISLAND SELF  
STORAGE"), et. al.

*Defendant*

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* ALOHA KING, LLC (DBA, "ALOHA ISLAND SELF STORAGE")  
C/O JAMES C. MCWHINNIE  
DAMON KEY LEONG KUPCHAK HASTERT  
1003 BISHOP STREET, SUITE 1600  
HONOLULU, Hawaii 96813

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

ANDREW DAISUKE STEWART 7810-0  
SHOWA LAW OFFICE, LLLC  
735 Bishop Street, Suite 318  
Honolulu, HI 96813

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

HD 440 (Rev. 12/09) Summons in a Civil Action

**UNITED STATES DISTRICT COURT**

for the

District of Hawaii

MAHO WADA; MASAHIRO WADA

*Plaintiff*

v.

ALOHA ISLAND-KING, LLC, et. al.

*Defendant*

Civil Action No.

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)* ALOHA ISLAND-KING, LLC, et. al.  
C/O BRUCE JORDAN  
187 AVE LA PATA  
SAN CLEMENTE, CA 92673

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

ANDREW DAISUKE STEWART 7810-0  
SHOWA LAW OFFICE, LLC  
735 Bishop Street, Suite 318  
Honolulu, HI 96813

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*CLERK OF COURT*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

HID 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the  
District of Hawaii

MAHO WADA; MASAHIRO WADA

*Plaintiff*

v.

TNT SELF-STORAGE MANAGEMENT, INC., et. al.

*Defendant*

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* TNT SELF-STORAGE MANAGEMENT  
C/O THOMAS R. KROESCHE  
535 ANTON BLVD., 10TH FLOOR  
COSTA MESA, CA 92626

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

ANDREW DAISUKE STEWART 7810-0  
SHOWA LAW OFFICE, LLLC  
735 Bishop Street, Suite 318  
Honolulu, HI 96813

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

HID 440 (Rev. 12/09) Summons in a Civil Action

**UNITED STATES DISTRICT COURT**

for the

District of Hawaii

MAHO WADA; MASAHIRO WADA

*Plaintiff*

v.

TOTAL STORAGE SOLUTIONS, et. al.

*Defendant*

Civil Action No.

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)* TOTAL STORAGE SOLUTIONS  
C/O RAY TUOHY  
1260 N. HANCOCK  
SUITE 101A  
ANAHEIM, CA 92807

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

ANDREW DAISUKE STEWART 7810-0  
SHOWA LAW OFFICE, LLC  
735 Bishop Street, Suite 318  
Honolulu, HI 96813

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*CLERK OF COURT*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

MAHO WADA,	)	CIVIL NO. 14-00275 HB-BMK
MASAHROWADA,	)	
	)	
Plaintiffs,	)	SUMMONS ON A THIRD-PARTY COMPLAINT
	)	
vs.	)	
	)	
TNT SELF STORAGE MANAGEMENT, INC.	)	
	)	
Defendant,	)	
Third-party plaintiff	)	
	)	
vs.	)	
	)	
ABSO; STERLINGBACKCHECK,	)	
	)	
Third-Party Defendants.	)	
_____	)	

**SUMMONS ON A THIRD-PARTY COMPLAINT**

To: *(Third-party defendant's name and address)*

ABSO  
c/o SterlingBackcheck  
1 State Street Plaza, 24<sup>th</sup> Floor  
New York, New York 10004

A lawsuit has been filed against defendant TNT SELF STORAGE MANAGEMENT, INC., who as a third-party plaintiff is making this claim against you to pay part or all of what the defendant may owe to the plaintiffs MAHO WADA and MASAHIRO WADA.

Within 21 days after service of this summons on you (not counting the day you received it) – or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12(a)(3) – you must serve on the plaintiff and on the defendant an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the defendant or defendant's attorney, whose name and address are:

J. PATRICK GALLAGHER	3417-0
TRISH K. MORIKAWA	6485-0
Gallagher Kane Amai	
Topa Financial Center	
745 Fort Street, Suite 1550	
Honolulu, Hawaii 96813	

It must also be served on the plaintiff or plaintiff's attorney, whose name and address are:

ANDREW DAISUKE STEWART 7810-0  
SHOWA LAW OFFICE, LLLC  
735 Bishop Street, Suite 318  
Honolulu, Hawaii 96813

If you fail to respond, judgment by default will be entered against you for the relief demanded in the third-party complaint. You also must file the answer or motion with the court and serve it on any other parties.

A copy of the plaintiffs' complaint is also attached. You may – but are not required to – respond to it.

DATE: \_\_\_\_\_.

*CLERK OF COURT*

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*Signature of Clerk or Deputy Clerk*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

MAHO WADA,	)	CIVIL NO. 14-00275 HB-BMK
MASAHIROWADA,	)	
	)	
Plaintiffs,	)	SUMMONS ON A THIRD-PARTY COMPLAINT
	)	
vs.	)	
	)	
TNT SELF STORAGE MANAGEMENT, INC.	)	
	)	
Defendant,	)	
Third-party plaintiff	)	
	)	
vs.	)	
	)	
ABSO; STERLINGBACKCHECK,	)	
	)	
Third-Party Defendants.	)	
_____	)	

**SUMMONS ON A THIRD-PARTY COMPLAINT**

To: *(Third-party defendant's name and address)*  
STERLINGBACKCHECK  
1 State Street Plaza, 24<sup>th</sup> Floor  
New York, New York 10004

A lawsuit has been filed against defendant TNT SELF STORAGE MANAGEMENT, INC., who as a third-party plaintiff is making this claim against you to pay part or all of what the defendant may owe to the plaintiffs MAHO WADA and MASAHIROWADA.

Within 21 days after service of this summons on you (not counting the day you received it) – or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12(a)(3) – you must serve on the plaintiff and on the defendant an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the defendant or defendant's attorney, whose name and address are:

J. PATRICK GALLAGHER	3417-0
TRISH K. MORIKAWA	6485-0
Gallagher Kane Amai	
Topa Financial Center	
745 Fort Street, Suite 1550	
Honolulu, Hawaii 96813	

It must also be served on the plaintiff or plaintiff's attorney, whose name and address are:  
ANDREW DAISUKE STEWART 7810-0  
SHOWA LAW OFFICE, LLLC  
735 Bishop Street, Suite 318  
Honolulu, Hawaii 96813

If you fail to respond, judgment by default will be entered against you for the relief demanded in the third-party complaint. You also must file the answer or motion with the court and serve it on any other parties.

A copy of the plaintiffs' complaint is also attached. You may – but are not required to – respond to it.

DATE: \_\_\_\_\_.

*CLERK OF COURT*

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*Signature of Clerk or Deputy Clerk*

MAHO WADA,	)	CIVIL NO. 14-00275 HB-BMK
MASAHROWADA,	)	
	)	
Plaintiffs,	)	CERTIFICATE OF SERVICE
	)	
vs.	)	
	)	
ALOHA KING, LLC (dba,	)	
“ALOHA ISLAND SELF	)	
STORAGE”), a Mississippi Limited	)	
Liability Corporation; ALOHA	)	
ISLAND-KING, LLC, a California	)	
Limited Liability Corporation;	)	
TOTAL STORAGE SOLUTIONS,	)	
a California Corporation; TNT SELF	)	
STORAGE MANAGEMENT, INC.,	)	
a California Corporation; DOE	)	
DEFENDANTS 1-20,	)	
	)	
Defendants.	)	
	)	
	)	
TNT SELF STORAGE	)	
MANAGEMENT, INC.	)	
	)	
Defendant and	)	
Third-Party Plaintiff,	)	
	)	
vs.	)	
	)	
ABSO; STERLINGBACKCHECK,	)	
	)	
Third-Party Defendants.	)	
	)	

## **CERTIFICATE OF SERVICE**

I hereby certify that, on this date and by the methods of service noted below, a true and correct copy of the foregoing was served on the following at their last known addresses:

### **Served Electronically through CM/ECF:**

ANDREW DAISUKE STEWART, ESQ.  
Showa Law Office, LLC  
735 Bishop Street, Suite 318  
Honolulu, Hawaii 96813  
[showalaw@hawaii-bengoshi.com](mailto:showalaw@hawaii-bengoshi.com)

Attorney for Plaintiffs

WAYNE M. SAKAI, ESQ.  
MICHIRO IWANAGA, ESQ.  
MAX J. KIMURA, ESQ.  
Sakai Iwanaga Sutton Law Group  
201 Merchant Street, Suite 2307  
Honolulu, Hawaii 96813  
[miwanaga@silawgroup.com](mailto:miwanaga@silawgroup.com)

Attorneys for Defendant  
ALOHA KING, LLC

MATT A. TSUKAZAKI, ESQ.  
PHILLIP A. LI, ESQ.  
Li & Tsukazaki  
733 Bishop Street, Suite 1770  
Honolulu, Hawaii 96813  
Email: [mat@lt-hawaii.com](mailto:mat@lt-hawaii.com)  
[pal@lt-hawaii.com](mailto:pal@lt-hawaii.com)

Attorneys for Defendant  
TOTAL STORAGE SOLUTIONS

DATED: Honolulu, Hawaii, May 26, 2015.

/s/ J. Patrick Gallagher  
J. PATRICK GALLAGHER  
TRISH K. MORIKAWA

Attorneys for Defendant and  
Third-Party Plaintiff  
TNT SELF STORAGE  
MANAGEMENT, INC.